

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT COLUMBIA**

ELIZABETH NORWOOD

v.

**MULBERRY MEDICAL AESTHETICS, LLC)
and THERON HUTTON)**

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**Case No. 1:24-cv-00061
Chief Judge Campbell
Magistrate Judge Holmes**

ORDER

This case is set for an initial case management conference on September 16, 2024 at 10:00 a.m. (CDT). (Docket No. 6.) However, it appears from returns of service filed by Plaintiff¹ that Defendant Theron Hutton was served with process on June 21, 2024 (Docket No. 10) and Defendant Mulberry Medical Aesthetics, LLC was served with process on June 20, 2024 (Docket No. 11). Neither Defendant has answered or otherwise properly responded to the complaint.²

To the extent that Defendants were properly served with process, it appears that the time for response to the complaint has now expired. Accordingly, the initial case management conference presently set for September 16, 2024, is **CANCELLED**, to be reset at a later date as may be appropriate.

Defendant Theron Hutton must file an answer or otherwise properly respond to the complaint, either through counsel or pro se, by no later than **September 13, 2024**. Defendant Theron Hutton is **CAUTIONED** that failure to comply with this deadline may result in entry of default and default judgment against him. He is further **CAUTIONED** that any filing must include

¹ To be clear, the Court simply notes the filed returns of service and makes no determination about the sufficiency of service or the merits of any subsequently filed motion for entry of default.


² A motion to dismiss with an illegible signature was filed on July 12, 2024 (Docket No. 8); however, the Court denied the motion without prejudice to refiling. (Docket No. 9.) No motion to dismiss was refiled.

a legible signature and current mailing address. Failure to do so may result in adverse consequences, including striking of any improperly executed answer or denial of any improperly filed motion, which may, ultimately, result in entry of default and default judgment against Defendant Theron Hutton.

Additionally, an attorney must appear on behalf of Defendant Mulberry Medical Aesthetics by no later than **September 13, 2024**. Defendant Mulberry Medical Aesthetics is **CAUTIONED** that failure of an attorney to appear on its behalf by this date may result in entry of default and default judgment against Defendant Mulberry Medical Aesthetics. *See* Court's Order of August 6, 2024 (Docket No. 9) at 1-2.

Further, Plaintiff is **DIRECTED** to monitor this case and to file a status report of Defendants' compliance with the Court's directions or a motion for substantive relief by no later than **September 27, 2024**. Ultimately, if this case proceeds against one or both Defendants, and defense counsel is retained, it will be Plaintiff's responsibility to move to reset the initial case management conference. If Defendant Theron Hutton proceeds pro se, it will be Plaintiff's responsibility to file a motion for a scheduling order. *See* Local Rule 16.01(c)(1).

It is SO ORDERED.


BARBARA D. HOLMES
United States Magistrate Judge